

TO: *Lydia Davis* PATENT COOPERATION TREATY

ATTY REVIEWED _____

Flo JOS

DATE: PCT

From the INTERNATIONAL BUREAU

To:

WOODLEY, Samuel, S.
Darby & Darby P.C.
P.O. Box 5257
New York, NY 10150-5257
ETATS-UNIS D'AMERIQUE

NOTIFICATION RELATING TO
DECLARATION MADE UNDER PCT RULE 4.17

(PCT Rules 26^{ter}.2(b), 47.1(a-^{ter}) and 48.2(a)(x)
and Administrative Instructions, Section 419)

Date of mailing (day/month/year) 02 May 2005 (02.05.2005)	
Applicant's or agent's file reference 200M213-WO0	IMPORTANT NOTIFICATION
International application No. PCT/US2004/014887	International filing date (day/month/year) 12 May 2004 (12.05.2004)
Applicant AFFYMAX, INC.	

1. The applicant is hereby **notified** of the following regarding the declaration indicated below in respect of (*name(s) indicated in the declaration*) HOLMES, Christopher, P.; TUMELTY, David; YIN, Qun :
 - (i) declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211)
 - (ii) declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212)
 - (iii) declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213)
 - (iv) declaration of inventorship (for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214)
 - (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215)
- Addition or correction of the declaration within the time limit under Rule 26^{ter}.1.**
The added or corrected declaration was received on (*date*), _____, which was received within the time limit under Rule 26^{ter}.1.
Any declaration referred to under items 1(i) to (iv) whether or not the declaration complies with Rule 4.17, will be communicated to the designated Offices concerned pursuant to Rule 47.1(a-^{ter}) and any declaration referred to under item 1(v) will be published as part of the pamphlet pursuant to Rule 48.2(a)(x). 16 mos.
- Failure to add or correct the declaration within the time limit under Rule 26^{ter}.1.**
The declaration, was received on (*date*) 27 April 2005 (27.04.2005), which was after the expiration of the time limit under Rule 26^{ter}.1; therefore, any such declaration referred to under items 1(i) to (iv) will not be communicated to the designated Offices concerned, any such declaration referred to under item 1(v) will not be published as part of the pamphlet, and any signed declaration referred to under item 1(iv) is attached. Such declaration should be submitted by the applicant directly to the designated Offices concerned. **
- The applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.
- A copy of this notification is being sent to the receiving Office and the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Pascal PIRIOU (Fax 338-87-20)
Facsimile No. (41-22) 338.87.20	Telephone No. (41-22) 338.81.98